

**JURISDICTION:**

**VIRGINIA**

**General Reference:**

This chapter summarizes Virginia State statutes related to speed.  
Code of Virginia Annotated and Virginia Administrative Code (VAC)

**Basis for a Speed Law Violation:**

**Basic Speed Rule:**

A person cannot drive so as to exceed a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.<sup>1</sup> §46.2-861

**Statutory Speed Limit:  
See Other below.**

65 MPH on rural interstate highways, certain highways constructed by the Virginia Highway Corporation and other limited access highways in counties with a population  $\geq 45,700$  but  $\leq 45,800$  §46.2-870 (§13)  
65 MPH on Virginia Route 288 §46.2-870 (§13)  
55 MPH on other interstate highways, limited access highways with divided roadways, nonlimited access highways with 4 or more lanes and all State primary highways §46.2-870 (§11)  
55 MPH on all other highways for passenger motor vehicles, busses, pickup or panel trucks or motorcycles §46.2-870 (§12)  
45 MPH on all other highways for trucks, tractor trucks, a combination of vehicles designed to transport property or a vehicle which is towing either another motor vehicle or a house trailer §46.2-870 (§12)  
35 MPH on highways within a city or town excluding interstate or other limited access divided highways §46.2-875  
35 MPH on nonsurface treated highways §46.2-873.1  
25 MPH in a business or residential district §46.2-874

**Posted (Maximum) Speed Limit:**

I. Based on traffic engineering investigations, the Commonwealth Transportation Commission or other authority may either (1) decrease the speed limits established under §46.2-870 or (2) increase or decrease the speed limits established under §§46.2-873 through 46.2-875 on any highway under its jurisdiction.<sup>2</sup> §§46.2-873.1 & 46.2-878  
II. Based on an investigation, the Commonwealth Transportation Commission may establish a safe maximum speed limit for public bridges, causeways, viaducts or tunnels. §46.2-881  
III. A town, with population between 14,000 and 15,000, may prohibit driving  $\geq 20$  MPH in excess of the speed limit in a residence district. §1 of Chapter 865 (Acts 1999)  
IV. A city with a population between 9,000 and 11,000 may prohibit motor vehicle operations at a speed  $> 15$  MPH in excess of the maximum speed limit in a residence district. §2 of Chapter 865 (Acts 1999) (as amended by Chapters 940 & 957 (Acts of 2000))

**Minimum Speed Limit:**

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.2-877 (§11)  
II. A person, driving at less than the normal speed of traffic, shall drive in the lane nearest the right edge or right curb of the highway when such lane is available for travel. There is an exception to this requirement if the right lane of a particular highway has been

**Basis for a Speed Law Violation:** (continued)

**Minimum Speed Limit: (continued)**

reserved for slow-moving traffic. §46.2-804(1)

**Posted (Minimum) Speed Limit:**

Based on engineering and traffic investigations, either the State or a local

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<sup>1</sup>Driving too fast for conditions is a reckless driving offense. §46.2-861

<sup>2</sup>The Commonwealth Transportation Commissioner may establish different speed limits for different times of the day. §46.2-878  
However, Virginia law does not specifically state whether different speed limits may be established for different types of vehicles or for various weather conditions.

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government may establish a minimum speed for a highway. §46.2-877 (¶2)

Other:

I. (1) On any highway where the maximum speed limit is  $\leq 55$  MPH, the maximum speed limit for a school bus is either 45 MPH or the "minimum speed allowable" whichever is greater. (2) On any interstate highway or other highway where the speed limit is  $> 55$  MPH, the maximum speed limit for a school bus is 55 MPH. (3) However, a school bus cannot be driven  $> 35$  MPH when taking on or discharging children between the first and last stop (not including the school). §46.2-871

II. On highways with a speed limit  $\geq 55$  MPH, vehicles operating under a special permit issued by the Commonwealth Transportation Commissioner under §46.2-1139 cannot be driven  $> 55$  MPH. §46.2-872

III. The maximum speed limit in a school crossing zone is 25 MPH. Acting on a school board resolution, a local government, via an ordinance, may decrease the speed limit in any school crossing zone to 15 MPH. §46.2-873

IV. Special speed limits may be established for highway work zones. §46.2-878.1

V. The maximum speed for passenger vehicles, that are towing utility, camping or boat trailers having gross weight of  $\leq 2,500$  lbs., shall be the same as for other passenger vehicles. §46.2-876

VI. Special speed limits may be established for highway work zones when workers are present. §46.2-878.1

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Basic Speed Rule is a Class 1 Misdemeanor. §§46.2-861 & 46.2-868 All Other Speed Law Violations are Traffic Infractions. §§46.2-113, 46.2-873, 46.2-878.1 & 46.2-878.2

Other:

I. Civil Penalty for violating §1 of Chapter 865 (Acts 1999). Placed in the code as a note following §46.2-874.

II. Civil Penalty for violating §2 of Chapter 865 (Acts 1999) (as amended by Chapters 940 & 957 (Acts 2000))

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Class 1 Misdemeanor-Not more than **12 months** §18.2-11(a)

Mandatory Minimum Term:

Traffic Infraction-None

Fine:

**None**

Amount (\$ Range):

Class 1 Misdemeanor-Not more than **\$2,500** §18.2-11(a)

### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Fine:

Amount: (continued)

Traffic Infraction-Not more than **\$200**<sup>3</sup> §§46.2-113 & 46.2-878.2<sup>4</sup>

<sup>3</sup>The fine for exceeding the maximum posted speed limit in a work zone is not more than **\$250**. §46.2-878.1 Likewise, the fine for exceeding either the 25 or 15 MPH speed limit in a school crossing zone is not more than the **\$250**. §46.2-873

Mandatory Min. Fine (\$):	<b>None</b>
Other Penalties:	
Traffic School:	The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505
Other:	<b>Important.</b> If a person exceeds the speed limit by 15 MPH or more while driving a vehicle designed to transport property and which has a gross weight rating of ≥26,001 lbs. inclusive of a towed vehicle with a gross weight rating ≥10,000 lbs., the fine is not more than <b>\$500 in addition</b> to any other sanction. §§46.2-113 (¶12) & 46.2-341.20
Licensing Action:	
Type of Licensing Action (Susp/Rev):	I. <u>Class 1 Misdemeanor Offense-Suspension</u> §46.2-392 (¶1) II. <b>Suspension</b> via a Point System <sup>5</sup> §§46.2-492 et seq.
Term of License Withdrawal (Days, Months, Years, etc.):	I. <u>Class 1 Misdemeanor Offense-10 days to 6 months</u> §46.2-392 (¶1)

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<sup>4</sup>Sec. 46.2-878.2 makes it a traffic infraction with fine of not more than **\$200** to exceed the maximum posted speed limit on certain specially signed highways in a residential districts. These signs must indicate both the maximum allowable speed and the penalty imposed for speeding. The State must develop criteria for the installation of such signs.

<sup>5</sup>**Point System.** I. An offender's license is subject to suspension if they accumulate 18 points within 12 months or 24 points within 24 months. §46.2-506 II. The following points have been assigned to speeding and speed related offenses: Reckless driving (includes **all** violations noted to be reckless driving offenses)-6 points; speeding ≥20 MPH above the speed limit-6 points; racing on the highway-6 points; speeding 10 to 19 MPH above the speed limit-4 points; speeding generally (no speed indicated)-4 points; speeding in vehicles with special permits or while towing another vehicle-4 points; speeding either in a school crossing, in a business/residential district, in a city or town, on a bridge or in a work zone-4 points; improper driving-3 points; impeding traffic-3 points; and, speeding 1 to 9 MPH above the speed limit-3 points. §46.2-492 III. Persons under 18 years old, who receive points, are subject to the following sanctions: For a 1st violation where points have been assigned, the person shall be directed to attend a driver improvement clinic. For a 2nd violation where points have been assigned, the person shall have their driving privileges **suspended for 90 days**. And, for a 3rd violation where points have been assigned, the person shall have their driving privileges **revoked** for either **1 year** or until they reach 18 years old whichever is the longer revocation period. §46.2-334.01(1)(a), (2) & (3) **Comment:** The provisions of §46.2-334.01 appear to have superseded those of §46.2-498 et seq. with regard to offenders <18 years old. In addition, the regulations (24 VAC 20-30-10 et seq.) that promulgated the point system have been withdrawn due to changes in statutory law. No new regulations have been promulgated to replace them. Instead, the State has issued various informational documents that describe the present point system to the public.

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Mandatory Minimum Term of Withdrawal:	II. <u>Suspension</u> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506(B)  I. <u>Class 1 Misdemeanor Offense-None</u> §46.2-392 (¶1) Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving
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### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Mandatory Minimum Term of Withdrawal: (continued)	privileges for employment, educational or medical purposes. §46.2-392 (¶3) II. <u>Suspension</u> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.
Miscellaneous Sanctions Not Included Elsewhere:	I. Mandatory Civil Penalty of <b>\$100</b> for violating §1 of Chapter 865 (Acts 1999). II. A Civil Penalty of <b>\$100</b> in addition to any other penalty provided by law for violating §2 of Chapter 865 (Acts 1999) (as amended by Chapters 940 & 957 (Acts 2000)).

### Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> <sup>6</sup> : Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:	Class 1 Misdemeanor §§46.2-865 & 46.2-868  Not more than <b>12 months</b> §18.2-11(a) <b>None</b> Not more than <b>\$2,500</b> §18.2-11(a) <b>None</b>
Administrative Licensing Action: Licensing Authorized and Type of Action:	<u>1st, 2nd &amp; 3rd offense-Suspension</u> §46.2-865 <u>4th offense-Revocation</u> §46.2-394
Length of Term of Licensing Withdrawal:	<u>Suspension-6 months to 2 years</u> §46.2-865 <u>Revocation-5 years</u> §46.2-394
Mandatory Action--Minimum Length of License Withdrawal:	<u>Suspension-6 months</u> §46.2-865 <u>Revocation-5 years</u> §46.2-394 Note: These licensing actions appear to be mandatory.
Other:	I. If the offense occurred as a result of a race that was prearranged, organized or planned, the vehicle used and owned by an offender must be forfeited to the State. §46.2-867 II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505 III. An offender also accumulates points for this offense. <sup>5</sup>

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<sup>6</sup>Racing on the highways is a reckless driving offense. §46.2-865

Other Criminal Actions Related to Speeding:  
(continued)

<u>Exceeding the Speed Limit</u> <sup>7</sup> :	Class 1 Misdemeanor §§46.2-862 & 46.2-868
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>12 months</b> §18.2-11(a)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$2,500</b> §18.2-11(a)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	I. <b>Suspension</b> via Court Order §46.2-393 II. <b>Suspension</b> via a Point System <sup>5</sup> §§46.2-492 et seq.
Length of Term of	
Licensing Withdrawal:	I. <b>Suspension</b> via Court Order- <b>60 days to 6 months</b> §46.2-393 II. <b>Suspension</b> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506 (B)
Mandatory Action--Minimum	
Length of License	
Withdrawal:	I. <b>Suspension</b> via Court Order- <b>None</b> Note: This licensing action is discretionary with the court. II. <b>Suspension</b> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.
Other:	The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505
<u>Reckless Driving</u> <sup>8</sup> :	Class 1 Misdemeanor §§46.2-852, 46.2-864 <sup>9</sup> & 46.2-868

<sup>7</sup>The "Exceeding the Speed Limit" offense is a reckless driving offense and is defined to mean driving either (1)  $\geq 20$  MPH over a posted speed limit of  $\leq 30$  MPH, (2)  $\geq 60$  MPH where the posted speed limit is 35 MPH, (3)  $\geq 20$  MPH over a posted speed limit of  $\geq 40$  MPH or (4)  $\geq 80$  MPH regardless of the posted speed limit. §46.2-862

<sup>8</sup>In this State, "reckless driving" is defined as driving "a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person." §46.2-852 **Important.** Under Virginia law, the term "reckless driving offense" includes numerous moving violations.

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Sanction:

Criminal:

Imprisonment (Term):

Not more than **12 months** §18.2-11(a)

Mandatory Minimum Term  
of Imprisonment:

**None**

Fine (\$ Range):

Not more than **\$2,500** §18.2-11(a)

Mandatory Minimum Fine:

**None**

### Other Criminal Actions Related to Speeding: (continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

I. **Suspension** via Court Order §46.2-392 (¶1)

II. **Suspension** via a Point System<sup>5</sup> §§46.2-492 et seq.

Length of Term of License

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<sup>9</sup>Under §46.2-864, a person commits a reckless driving offense if they operate a "motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person" on a church, school, recreational facility, business property open to the public or the public parking space of an industrial establishment.

Withdrawal Action:	I. <u>Suspension</u> via Court Order- <b>10 days to 6 months</b> <sup>10</sup> §46.2-392 (¶1) II. <u>Suspension</u> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506 (B)
Mandatory Term of License	
Withdrawal Action:	I. <u>Suspension</u> via Court Order- <b>None</b> Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving privileges for employment, educational or medical purposes. §46.2-392 (¶3) II. <u>Suspension</u> via a Point System- <b>90 days</b> or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.
Other:	I. If the offender has caused the death of another person, the discretionary suspension period is not more than <b>12 months</b> . §46.2-396 II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505 III. If a reckless driving law offender has a suspected drug or alcohol problem, they may be required as a condition of probation or otherwise to enter and complete an alcohol safety action program. §46.2-392 (¶1) IV. If a person commits reckless driving while driving a vehicle designed to transport property and which has a gross weight rating of ≥26,001 lbs. inclusive of a towed vehicle with a gross weight rating ≥10,00 lbs., the fine is not more than <b>\$500 in addition</b> to any other sanction. §§46.2-113 (¶2) & 46.2-341.20
<u>Improper Driving</u> <sup>11</sup> :	Traffic Infraction §46.2-869
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than <b>\$500</b> §46.2-869
Mandatory Minimum Fine:	<b>None</b>
<u>Other Criminal Actions Related to Speeding:</u>	
(continued)	
<u>Improper Driving</u> : (continued)	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension</b> via a Point System <sup>5</sup> §§46.2-492 et seq.

<sup>10</sup>For a violation of §46.2-864, the discretionary suspension period is **60 days to 6 months**. §46.2-393

<sup>11</sup>The court or an attorney for the commonwealth may reduce any reckless driving offense to improper driving if "the degree of culpability is slight." §46.2-869 **Important**. Under Virginia law, "improper driving" is not a defined crime. As such, law enforcement offices do not charge a person with this offense. Instead, a driver is normally charged with an offense which has been "labeled" as "reckless driving" and, if the circumstances warrant, the court reduces such charge to "improper driving" for sentencing purposes.

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Length of Term of License

Withdrawal Action:

Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506 (B)

Mandatory Term of License

Withdrawal Action:

Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Other:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

### Commercial Motor Vehicle (CMV) Operators<sup>12</sup>:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>13</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. §46.2-341.20(B)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.2-341.20(B)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.2-341.20(B)

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<sup>12</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.2-341.4

<sup>13</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.2-341.20(A)(1) & (2)



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